

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

SureFunding, LLC,<sup>1</sup>

Debtor.

Chapter 11

Case No. 20-10953 (LSS)

**DEBTOR’S EXHIBIT LIST FOR THE MAY 12, 2020 HEARING ON THE MOTION OF  
THE NOTEHOLDERS TO DISMISS THE DEBTOR’S CHAPTER 11 CASE AND THE  
UNITED STATES TRUSTEE’S MOTION FOR AN ORDER DISMISSING OR  
CONVERTING THIS CASE TO CHAPTER 7 OR DIRECTING THE APPOINTMENT  
OF A TRUSTEE**

The debtor and debtor-in-possession (the “Debtor” or “SureFunding”) in the above-captioned case submits the attached Exhibit List for the May 12, 2020 hearing regarding (i) the Motion of the Noteholders to Dismiss the Debtor’s Chapter 11 Case [D.I. 15]; and (ii) the United States Trustee’s Motion for an Order Dismissing or Converting this Case to Chapter 7 or Directing the Appointment of a Trustee [D.I. 34].

The Debtor may introduce one or more of the exhibits listed on the chart attached hereto. The Debtor reserves the right to introduce certain exhibits identified on the Noteholders’ exhibit list. The Debtor reserves the right to amend and/or supplement this Exhibit List at any time prior to the hearing. The Debtor reserves the right to use additional exhibits for purposes of rebuttal or impeachment and to further supplement this Exhibit List as appropriate. The Debtor also reserves the right to rely upon and use as evidence: (i) exhibits included on the exhibit lists of any other

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<sup>1</sup> The last four digits of the Debtor’s taxpayer identification number are 7898. The Debtor’s headquarters and service address is 6671 Las Vegas Blvd., Suite 210, Las Vegas, NV 89119.

party in interest; and (ii) any pleading, hearing transcript, or other document filed with the Court in this chapter 11 case.

Dated: May 11, 2020

**FOX ROTHSCHILD LLP**

/s/ Thomas M. Horan

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*Proposed Counsel to the Debtor and Debtor-  
in-Possession*

No.	Name	Bates Number	Deposition Exhibit Number	Docket Number
1.	Edward T. Gavin, CTP Declaration in Support of Voluntary Petition and Amended Exhibit B			ECF No. 23 & 28
2.	Unanimous Written Consent of the Managers of SureFunding, LLC			ECF No. 1
3.	TradePAY Litigation Amended Complaint <i>ECP Holdings III, LLC et al. v. TradePAY Capital, LLC et al.</i> Eleventh Judicial District Circuit Court, Miami-Dade County, Florida Case No. 2019-031155-CA-01, Filing #101734584 Filed 1/15/20			ECF No. 14 & 15, Exhibit B to Falkenberry Declaration
4.	SureFunding Overview dated March 4, 2019	SF00588-005900		
5.	Investor Presentation dated June 2019`	SF005907-005921		
6.	Confidential SureFunding, LLC Investor Communication – 14 March 2020	SF005812-005815		
7.	Declaration of Neal Falkenberry <i>Hatton et al. v. SureFunding, LLC</i> , Eighth Judicial District Court, Clark County, Nevada Case No. A-20-812651-B	SF005922-006067		
8.	Will Dorsey Affidavit ISO Motion to Dismiss			ECF No. 14 & 15, Exhibit 2 to Noteholders Motion to Dismiss
9.	John L. Palmer, Ph.D – curriculum vitae	SF003965-003967		

No.	Name	Bates Number	Deposition Exhibit Number	Docket Number
10.	Text Messages between N. Falkenberry and J. Abernathy	SF006100-006103	Falkenberry Exhibit #4	
11.	Confidential SureFunding, LLC Investor Communication – 3 October 2019	SF004224		
12.	Confidential SureFunding, LLC Investor Communication – 7 October 2019	SF004225-004226		
13.	Confidential SureFunding, LLC Investor Communication – 13 October 2019	SF004227-004228		
14.	Confidential SureFunding, LLC Investor Communication on Asset Recovery Team Resources– 15 October 2019	SF004229-004231		
15.	Confidential SureFunding, LLC Investor Communication – 18 October 2019	SF004232-004233		
16.	Confidential SureFunding, LLC Investor Communication – 25 October 2019	SF004254-004256		
17.	Confidential SureFunding, LLC Investor Communication – 3 November 2019	SF004257-004259		
18.	Confidential SureFunding, LLC Investor Communication – 26 December 2019	SF004260-004264		
19.	Confidential SureFunding, LLC Investor Communication Email T. Turner to K. Ottaviano – 26 December 2019	SF004265-004270		
20.	Excel Spreadsheet of ECP Holdings III and ECP Holdings [Native – Excel Spreadsheet]	SF004271		
21.	Confidential SureFunding, LLC Investor Communication Email N. Falkenberry to T. Turner & Noteholders – 26 December 2019	SF004272-004276		

No.	Name	Bates Number	Deposition Exhibit Number	Docket Number
22.	Confidential SureFunding, LLC Investor Communication Email T. Turner to N. Falkenberry & Noteholders – 26 December 2019	SF004277-004283		
23.	Confidential SureFunding, LLC Investor Communication – 10 January 2020	SF004284-004287		
24.	Confidential SureFunding, LLC Investor Communication – 17 January 2020	SF004288-004289		
25.	Confidential SureFunding, LLC Investor Communication – 29 January 2020	SF004290-004291		
26.	Confidential SureFunding, LLC Investor Communication – 7 February 2020	SF004292-004294		
27.	Confidential SureFunding, LLC Investor Communication – 15 February 2020	SF004297		
28.	Confidential SureFunding, LLC Investor Communication – 23 February 2020	SF004298-004299		
29.	Confidential SureFunding, LLC Investor Communication – 24 February 2020	SF004300-004301		
30.	Confidential SureFunding, LLC Investor Communication – 21 March 2020	SF004302		
31.	Confidential SureFunding, LLC Response to Stephane Carnot – 26 March 2020	SF004303-004304		
32.	Confidential SureFunding, LLC Investor Communication – 26 March 2020	SF004305-004306		
33.	Confidential SureFunding, LLC Investor Communication – 28 March 2020	SF004307-004308		

No.	Name	Bates Number	Deposition Exhibit Number	Docket Number
34.	Confidential SureFunding, LLC Investor Communication – 6 April 2020	SF004309-004310		
35.	20054 30B6 Justin Abernathy Corporate Representative Notes	SF006175-006178		
36.	Selection of SureFunding CRO	SF005817-005818		
37.	Limited Liability Company Agreement, Dated April 13, 2016	SF004314-004318		
38.	First Amendment to Limited Liability Company Agreement of SureFunding, LLC dated April 1, 2020	SF004320-004321		
39.	Notification of Service for Case: A-20-812651-B, Brett Hatton, Plaintiff(s) vs. SureFunding, LLC, Defendant(s) for filing Notice of Entry of Order – NEOJ (CIV), Envelope Number: 5926910	SF006183-006184		
40.	Notification of Service for Case: A-20-812651-B, Brett Hatton, Plaintiff(s) v. SureFunding, LLC, Defendant(s) for filing Order – ORDER (CIV), Envelope Number: 5926412	SF006181-006182		
41.	Minutes of SureFunding Board Teleconference	SF006198		
42.	Email from John Palmer to Thomas M. Horan regarding Minutes of SureFunding Board Teleconference, with attachment, 1:41 p.m. email	SF006185-006187		
43.	Email from Bren McAneny to Justin Abernathy, Ben Hays, and Jason Abernathy regarding Tradepay Master Tracker, dated January 1, 2020	SF006188-006190		
44.	Lorna Abernathy Text Messages to Neal Falkenberry	SF006192-006197	Falkenberry Exhibit #30	

No.	Name	Bates Number	Deposition Exhibit Number	Docket Number
45.	Email from J. Abernathy to S. Carnot and D. Graham Regarding Few Questions, September 19, 2019	SF006191	Falkenberry Exhibit #41	
46.	Email chain between K. Ottaviano, W. Dorsey, M. Flanagan, G. Cronin regarding Nevada Receiver Counsel		Flanagan Exhibit #3	
47.	Email from G. Cronin to M. Flanagan, K. Ottaviano, and W. Dorsey regarding SureFunding – Assets and Flow Funds Chart with attachment		Flanagan Exhibit #4	
48.	Email from W. Dorsey to K. Ottaviano, M. Flanagan, and G. Cronin regarding A812651 Order Granting Motion for Appointment of Receiver Signed with attachment		Flanagan Exhibit #8	
49.	LinkedIn – Falkenberry		Falkenberry Exhibit #2	
50.	Email re Agent Fee and Contingent Management Fee Agreement	SF000806-00807	Falkenberry Exhibit #3	
51.	N. Falkenberry Email re – Introduction for SureFunding Investor Reference		Falkenberry Exhibit #6	
52.	Email chain from N. Falkenberry to S. Freedman forwarding email to all noteholders, November 5, 2019 regarding SureFunding Noteholder’s Group – Last Call	SF003995-003997	Falkenberry Exhibit # 9-A	
53.	Email from N. Falkenberry to “undisclosed-recipients” regarding Update to SureFunding Noteholders – Attorney Selected		Falkenberry Exhibit #10	
54.	Confidential SureFunding, LLC Response to N. Falkenberry’s Email		Falkenberry Exhibit #25	
55.	Declaration of N. Falkenberry to Motion for Appointment of Receiver	SF005922-006067	Falkenberry Exhibit #29	
56.	Payment Charts		Falkenberry Exhibit #34	
57.	Neal Falkenberry Declaration for Motion to Dismiss and Exhibits		Falkenberry Exhibit #36	ECF No. 15, Exhibit 1

No.	Name	Bates Number	Deposition Exhibit Number	Docket Number
58.	Email chain as forwarded from S. Carnot to M. Flanagan re SureFunding Download with attachment		Falkenberry Exhibit #37	
59.	SureFunding Activity 2019	NF_002129-002132	Falkenberry Exhibit #40	
60.	Email from J. Abernathy to J. Palmer, J. Abernathy, T. Horan and B. Hays regarding Updated Engagement Agreement with attachment	SF006164-65, SF006199-006206		
61.	Email from J. Abernathy to J. Palmer, J. Abernathy, C. Stephens, M. Sweet, T. Horan, and T. Gavin regarding Revised Engagement Agreement	SF006166	Palmer Exhibit #2	
62.	Master Tracker [Native – Excel Spreadsheet]		Falkenberry Exhibit #1	
63.	Email chain by and between S. Carnot and J. Abernathy regarding SureFunding May Metrics, June 2019	SF006207-006208		
64.	Email chain by and between S. Carnot, J. Abernathy and D. Graham, September 2019	SF006209-006210		
65.	SureFunding LLC Wintrust Bank Account Statement, September 2019, Account Ending x6603	SF006267-006269		
66.	SureFunding LLC Wintrust Bank Account Statement, September 2019, Account Ending x6148	SF006263-006266		
67.	SureFunding LLC Wintrust Bank Account Statement, September 2019, Account Ending x1699	SF006261-006262		
68.	SureFunding LLC Wintrust Bank Account Statement, October 2019, Account Ending x6603	SF003147-003150		
69.	SureFunding LLC Wintrust Bank Account Statement, October 2019, Account Ending x6148	SF003145-003146		



No.	Name	Bates Number	Deposition Exhibit Number	Docket Number
70.	SureFunding LLC Wintrust Bank Account Statement, October 2019, Account Ending x1699	SF003143-003144		
71.	SureFunding LLC Motion to Vacate, Alter or Amend Decision for Appointment of Receiver and Request for Evidentiary Hearing on Order Shortening Time	SF006211-006259		
72.	Cantor Fitzgerald UCC-1	SF006260		
73.	M. Flanagan Deposition Transcript			
74.	N. Falkenberry Deposition Transcript [Volume I]			
75.	N. Falkenberry Deposition Transcript [Volume II]			
76.	Email from T. Gavin from J. Abernathy re: Engagement of Gavin Solmonese by SureFunding with attachment	SF006270-006273		
77.	T. Gavin scan email with attachment	SF006274		